

E-Filed 6/3/10

BRIAN M. GROSSMAN (SBN 166681)
TESSER & RUTTENBERG
12100 Wilshire Boulevard, Suite 220
Los Angeles, California 90025
Tel: (310) 207-4022
Fax: (310) 207-4033
Email: bgrossman@tesser-ruttenberg.com

Attorneys for Defendants
SWISH MARKETING, INC.,
MATTHEW PATTERSON and JASON STROBER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,

Plaintiffs,

vs.

SWISH MARKETING, INC., a corporation,
MARK BENNING, individually and as an
officer of SWISH MARKETING, INC.,
MATTHEW PATTERSON, individually
and as an officer of SWISH MARKETING,
INC., and JASON STROBER, individually
and as an officer of SWISH MARKETING,
INC.,

Defendants.

Case No.: C09 03814 RS

[Hon. Richard Seeborg]

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
~~PROPOSED ORDER~~;
DECLARATION OF BRIAN M.
GROSSMAN IN SUPPORT**

Complaint Filed: August 19, 2009

Trial Date: None Set

STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE

The Motion to Dismiss filed by defendant Mark Benning is set to be heard on June 24, 2010. The Case Management Conference is currently set for June 10, 2010. Insofar as the parties expect to be in Court on June 24, 2010 for the Motion to Dismiss, and counsel for defendants Jason Strober, Matthew Patterson and Swish Marketing, Inc. are located in Los Angeles, the parties jointly and respectfully request that the Case Management Conference be continued to June 24, 2010, so that counsel do not have to make two separate trips to San Francisco within a two-week period.

The parties also note that the Court typically hears motions at 1:30 p.m. and conducts case management conferences at 10:00 a.m. If it is possible for the Court to hear both matters (*i.e.*, Benning's Motion to Dismiss and the Case Management Conference) at 1:30 p.m., the parties would be most grateful.

The filer attests that concurrence in the filing of this document has been obtained from each of the other signatories.

DATED: June 2, 2010

TESSER & RUTTENBERG
BRIAN M. GROSSMAN

/s/ Brian M. Grossman

BRIAN M. GROSSMAN
Attorney for Defendants
SWISH MARKETING, INC.,
MATTHEW PATTERSON and JASON STROBER

DATED: June 2, 2010

LISA D. ROSENTHAL
KERRY O'BRIEN
EVAN ROSE

/s/ Kerry O'Brien

KERRY O'BRIEN
Attorney for Plaintiff
FEDERAL TRADE COMMISSION

///

1 DATED: June 2, 2010

LOEB & LOEB LLP
MICHAEL L. MALLOW
MICHAEL A. THURMAN

2
3 /s/ Michel L. Mallow

4
5 MICHAEL L. MALLOW
Attorney for Defendants
6 SWISH MARKETING, INC., and
MATTHEW PATTERSON

7 DATED: June 2, 2010

BERGESON, LLP
DANIEL J. BERGESON
DONALD P. GAGLIARDI
ELIZABETH D. LEAR


8
9
10 /s/ Donald P. Gagliardi

11 DONALD P. GAGLIARDI
Attorney for Defendant
12 MARK BENNING

ORDER

Pursuant to the Stipulation by all parties in this action, the Case Management Conference, which was previously scheduled for June 10, 2010, is hereby continued to June 24, 2010 at 1:30 p.m. _____.

DATED: 6/2/10 _____



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE